

Amend claim 20, line 1, after the word "claim" to delete "17" and insert therefor --19--.

REMARKS

I. Rejection under 35 USC §103

Claims 1, 9-15, 17 and 18 have been rejected under 35 USC §103 as being unpatentable over Sato et al. in view of Jou et al. The office action asserts that Sato teaches a low viscosity liquid cosmetic composition containing a gellant, but does not disclose the composition being contained in a non-rigid porous support. Jou is stated as disclosing a cosmetic applicator for use with low viscosity liquid cosmetics. It is the Examiner's position that it would have been obvious to incorporate the liquid cosmetic composition of Sato into the porous support of Jou.

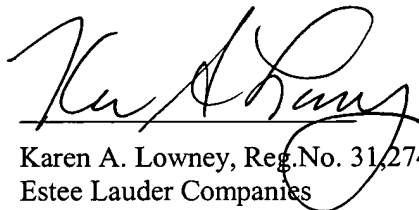
Claims 2-8, 16 and 19-26 have been indicated as allowable if rewritten in independent form and incorporating the limitations of the base claim and any intervening claims..

Although Applicants disagree with the Examiner's position regarding claims 1, 9-15, 17 and 18, in order to advance prosecution in this application, claims 1, 14, 15, 17 and 18 have been cancelled, claims 9-13 amended to depend ultimately from claim 2, and claims 2 and 16 rewritten as required to render them allowable. It is noted that claims 25 and 26, indicated as allowable, were not dependent on a rejected base claim, and therefore should not need amendment. Applicants reserve the right to pursue the subject matter of the cancelled claims in one or more continuation applications. However, in view of the cancellation of these claims, the rejection is rendered moot.

CONCLUSION

The present claims are believed to be in condition for allowance, and prompt issuance of a Notice of Allowance is respectfully solicited. The Examiner is encouraged to contact the undersigned by telephone if it is believed that discussion will resolve any outstanding issues.

Respectfully submitted,



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COPY OF CLAIMS MARKED TO SHOW CHANGES.

1. [cancelled]
2. (amended) [The composition of claim 1] A cosmetic or pharmaceutical composition comprising a non-rigid, porous support in which a low-viscosity, gellant-containing, otherwise unstable cosmetic or pharmaceutical formulation is incorporated, which composition comprises an oil phase.
3. (amended)The composition of claim [1]2 in which the formulation is a water-and-oil emulsion.
4. The composition of claim 2 which is anhydrous.
5. The composition of claim 2 in which the base comprises a silicone oil.
6. The composition of claim 2 in which the gellant is selected from the group consisting of cholesterol and derivatives thereof, dextrin fatty acid esters, silicone gellants, oil-soluble cellulose derivatives, and oil-soluble polymers.
7. The composition of claim 6 in which the gellant is a cholesterol derivative.
8. The composition of claim 7 in which the gellant is lanosterol.
9. (amended)The composition of claim [1]2 in which the porous support has a pore size of from about 100 to about 300 pores per inch.
10. (amended)The composition of claim [1]2 in which the porous support is made of a material selected from the group consisting of a natural sponge, a foamed rubber or a foamed polyethylene.
11. (amended)The composition of claim [1] 2 which also contains at least one pigment.
12. The composition of claim 11 which comprises an inorganic pigment.

13. (amended)The composition of claim [1]2 which contains substantially no waxes or suspending agents.
14. [cancelled]
15. [cancelled]
16. (amended) [The method of claim 15] A method for making a cosmetic or pharmaceutical composition comprising (a) preparing a low viscosity, gellant-containing, otherwise unstable formulation; and (b)incorporating the formulation into a porous, elastic, non-rigid support, in which the formulation is permitted to gel within the support.
17. [cancelled]
18. [cancelled]
19. A composition prepared according to the method of claim 16.
20. (amended)The composition of claim [17]19 in which the formulation comprises an oil.
21. The composition of claim 20 in which the gellant is selected from the group consisting of cholesterol derivatives, dextrin fatty acid esters, silicone gellants, and oil-soluble polymers.
22. The composition of claim 21 in which the oil comprises a silicone oil.
23. The composition of claim 21 in which the gellant is a cholesterol derivative.
24. The composition of claim 21 in which the gellant is lanosterol.
25. A cosmetic composition comprising an elastic, non-rigid porous support into which a low-viscosity, cholesterol or cholesterol derivative gellant-containing, otherwise unstable formulation has been integrated, the formulation also comprising at least one inorganic pigment, and an anhydrous base.

26. The composition of claim 23 in which the gellant is lanosterol.